

1 1. Petitioner is a body corporate and politic established and existing pursuant to Health and
2 Safety Code § 40000, *et seq.* and § 40400, *et seq.*, and is the sole and exclusive local agency with the
3 responsibility for comprehensive air pollution control in the South Coast Basin.

4 2. Respondent owns and operates the Facility which is within the District's jurisdiction and
5 subject to the District's regulations. The SCAQMD ID Number for the Facility is 4477.

6 3. Respondent maintains and is responsible for the operation of equipment described in
7 SCAQMD Permit No. 595203 as INTERNAL COMBUSTION ENGINE, LEAN BURN, NON-
8 EMERGENCY, UNIT NO. 15, DIESEL FUEL, EMD, MODEL 16-710G4B, TWO CYCLE, WITH
9 AFTERCOOLER, TURBOCHARGER, 3900 HP WITH A/N59203, hereinafter "Unit 15." Unit 15 is vented
10 to air pollution control equipment consisting of a selective catalytic reduction module and a CO oxidation
11 catalyst module, operated pursuant to SCAQMD Permit No. 548965. Unit 15 is one of six diesel engines
12 providing electric power to Santa Catalina Island.

13 4. Rule 1470(c)(4)(A) requires that all new stationary prime diesel-fueled CI engines (> 50
14 bhp) emit diesel PM at a rate that is less than or equal to 0.01 grams diesel PM per brake-horsepower-hour
15 (g/bhp-hr).

16 5. Respondent performed a zero-time overhaul on Unit 15, reconstructing the engine. Under
17 Rule 1470(b)(47)(B), a reconstructed engine is considered a new engine if the costs of reconstruction equal
18 50% or more of the lowest-available purchase price of a new, comparably-equipped engine. The costs of the
19 reconstruction of Unit 15 exceeded this 50% threshold, and thus Unit 15 is considered new under Rule 1470.
20 Unit 15 does not meet the 0.01 g/bhp-hr requirements of Rule 1470(c)(4)(A).

21 6. While Respondent could operate the other five engines located at the Facility in lieu of Unit
22 15, this would increase overall emissions and Respondent would be unable to comply with the facility-wide
23 NOx limit in its Title V permit.

24 7. The District, by this petition, seeks a Stipulated Order for Abatement to require Respondent
25 to comply with District Rule 1470 as soon as practicable by implementing conditions that will be provided
26 to this Board prior to the Hearing.

27 8. It is not unreasonable to require Respondents to comply with District Rule 1470(c)(4)(A).
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1 9. The issuance of a Stipulated Order for Abatement upon a fully noticed hearing would not
2 constitute a taking of property without due process of law.

3 10. This Stipulated Order for Abatement is not intended to be nor does it act as a variance.

4 11. The issuance of the prayed-for Stipulated Order for Abatement is not expected to result in
5 the closing or elimination of an otherwise lawful business, but if it does result in such closure or elimination,
6 it would not be without a corresponding benefit in reducing air contaminants.

7 12. It is the District's intention to file a proposed set of Findings and Decision on Stipulated
8 Order for Abatement, approved by both parties, in advance of the hearing.

9 WHEREFORE, the District prays for a Stipulated Order for Abatement as follows:

10 1. That this Hearing Board issue a Stipulated Order for Abatement requiring Respondent to
11 cease and desist from operating its equipment in a manner which violates District Rule 1470(c)(4)(A), or in
12 the alternative, to comply with increments of progress and conditions as submitted and agreed to by the
13 parties.

14 2. For such other and further relief that this Board deems just and proper.

15 Dated: December 21, 2021 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
16 MARY J. REICHERT, Senior Deputy District Counsel

17 By: 
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19 Mary J. Reichert
20 Attorney for Petitioner

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